

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GILBERT PALIOTTA,	)	3:11-CV-00121-ECR (RAM)
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
	)	
vs.	)	August 17, 2011
	)	
STATE OF NEVADA, et al.,	)	
	)	
Defendants.	)	
	)	

PRESENT: THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Plaintiff Gilbert Paliotta (Plaintiff) filed a motion requesting entry of default against unspecified defendants. (Doc. # 26.) Defendants opposed. (Doc. # 27.)

Plaintiff filed his amended complaint on March 10, 2011 naming as defendants: Adams, Baker, Brooks, Cox, Drain, Farnworth, Ladja, McDaniel, Sedlacek, Tolbert, Waggener, and the State of Nevada in relation to the Nevada Department of Corrections (NDOC). (Doc. # 10.)

On May 4, 2011, the court entered its screening order construing Plaintiff's amended complaint as asserting a single claim alleging his due process rights under the Fourteenth Amendment were violated. (Doc. # 18.) The court dismissed the State of Nevada, NDOC, Tolbert, and Farnworth. (*Id.* at 4-6.) The court ordered that the due process claim could proceed against Defendants Adams, Baker, Brooks, Cox, Drain, Ladja, McDaniel, Sedlacek, and Waggener. (*Id.* at 5-6.)

The amended complaint was served on Defendants Adams, Baker, Brooks, Cox, Drain, McDaniel, Sedlacek, and Waggener, who subsequently filed a motion for summary judgment. (*See* Doc. # 20 and Doc. # 23.) Therefore, there is no basis to enter default against these defendants. In addition, there is no record before the court indicating that Ladja has been served with the summons and complaint in compliance with Fed.R.Civ.P. 4. Default cannot be entered against a defendant who has not been served with the summons and complaint. Fed.R.Civ.P. 4, 55.

**IT IS SO ORDERED.**

By: /s/  
Deputy Clerk